

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**IN RE: DEALER MANAGEMENT  
SYSTEMS ANTITRUST LITIGATION**

**This Document Relates To:**

**THE DEALERSHIP CLASS ACTION**

MDL No. 2817

Case No. 18-cv-00864

Hon. Rebecca R. Pallmeyer

**DEALERSHIP CLASS PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Dealership Class Plaintiffs (collectively, “Dealers” or “Plaintiffs”), hereby move the Court for an order granting class certification in this matter.

1. Plaintiffs seek certification of the following proposed classes (collectively, “Dealer Classes”) of automobile dealerships for injunctive relief under Fed. R. Civ. P. 23(b)(2) and for monetary damages under Fed. R. Civ. P. 23(b):

**The Nationwide Injunction Class**

All persons and entities located in the United States engaged in the business of retail sales of new automobiles (“Dealership Plaintiffs”) that directly purchased Dealer Management Systems (“DMS”)<sup>1</sup> and indirectly purchased Data Integration Services (“DIS”)<sup>2</sup> from CDK Global, LLC (“CDK”) and/or The Reynolds and Reynolds Company (“Reynolds”), and/or any predecessor, successor, subsidiary, joint venture or affiliate, during the period September 1, 2013 to the present (“Class Period”).

**The Nationwide Damages Class**

All Dealership Plaintiffs that indirectly purchased DIS from CDK and/or Reynolds, and/or any predecessor, successor, subsidiary, joint venture or affiliate, during the Class Period.

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<sup>1</sup> Dealer Management Systems or “DMS” are a combination of hardware and software computer tools that allow retail automotive dealers to integrate various aspects of their business into a single, interactive platform by consolidating data, including customer information, human resources, inventory, marketing, payroll, and vehicle repair and service.

<sup>2</sup> Data Integration Services or “DIS” are services, offered by Defendants or through independent data integrators, used by a third-party software application vendor to access, manipulate, extract, and update a Dealer’s data, including: customer information; human resources; inventory; marketing; payroll; and vehicle repair and service, within the DMS in order for a Dealer to utilize a vendor’s software application.

**The State Law Damages Class**

All Dealership Plaintiffs located in the States of Alaska, Arizona, California, Colorado, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Mexico, New York, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, West Virginia, and Wisconsin that indirectly purchased DIS from CDK and/or Reynolds, and/or any predecessor, successor, subsidiary, joint venture or affiliate, during the Class Period.

2. Plaintiffs seek certification of: (i) a Nationwide Injunction Class for relief under the Sherman Act, 15 U.S.C. § 1, *et seq.*; (ii) a Nationwide Damages Class for claims under the Illinois Antitrust Act, 740 ILCS 10/1, *et seq.*; and (iii) a State Law Damages Class consisting of a single class of Dealerships seeking monetary relief in accordance with the laws of twenty-six separate jurisdictions.<sup>3</sup> In the alternative, twenty-six individual state law classes can be certified.

3. The Dealer Classes exclude: CDK and Reynolds (collectively, “Defendants”), their subsidiaries, affiliates, officers, directors or employees; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant; any federal, state governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, and any juror assigned to this action.

4. The following previously named Plaintiffs (“Named Plaintiffs”) seek appointment as Class Representatives: Continental Autos, Inc., doing business as Continental Toyota; Continental Classic Motors, Inc., doing business as Continental Autosports; Kenny Thomas Enterprises, Inc., doing business as Olathe Toyota; Waconia Dodge, Inc.; John O’Neil Johnson Toyota, LLC; Jim Marsh American Corporation, doing business as Jim Marsh Mitsubishi Suzuki Kia Mahindra; Pitre Imports, LLC, doing business as Pitre Kia; Pitre, Inc., doing business as Pitre Buick GMC; Patchogue 112

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<sup>3</sup> Alaska, Colorado, Iowa, Maine, New Hampshire, Rhode Island, South Dakota, Utah, Wisconsin do not currently have a proposed named Class Representative. However, the claims of the current and proposed named representatives (*see infra* ¶¶ 4-5) parallel those of the unrepresented states so that success on the merits of the represented states will dictate success on the merits of the unrepresented states. *See In re Pork Antitrust Litig.*, 2023 WL 2696497, at \* 17-18 (D. Minn. Mar. 29, 2023).

Motors LLC, doing business as Stevens Ford; JCF Autos LLC, doing business as Stevens Jersey City Ford; Jericho Turnpike Sales LLC, doing business as Ford & Lincoln of Smithtown; Gregoris Motors, Inc., and Hoover Automotive, LLC, doing business as Hoover Dodge Jeep of Summerville. Named Plaintiffs are asserting damages and injunctive relief claims under federal law as well as based upon where they reside or purchased DMS and/or DIS, specifically in Illinois, Kansas, Minnesota, Mississippi, Nevada, New Mexico, New York, and South Carolina.

5. Plaintiffs seek to add the following dealerships as new Class Representatives (“New Class Representatives”): Henry Brown Buick GMC, LLC; GSM Auto Group, LLC, doing business as Infiniti Mission Viejo; GSM Auto Group II, LLC, doing business as Audi Mission Viejo; GSM Auto Group III, LLC, doing business as Volvo Cars Mission Viejo; Sandy Sansing Chevrolet, Inc. doing business as Sandy Sansing Chevrolet Pensacola; Tony Automotive Group LLC doing business as (i) Tony Volkswagen; (ii) Tony Hyundai; (iii) Genesis of Waipio; and (iv) Tony Hyundai Honolulu, Tony Hawaii LLC doing business as Tony Honda; Pacific Nissan LLC doing business as Tony Nissan; Tony Hawaii Hilo LLC doing business as Tony Honda Hilo; Tony Hawaii Kona LLC doing business as Tony Honda Kona; Taylor Chevrolet, Duteau Chevrolet Co., doing business as DuTeau Chevrolet; Landmark Ford; Automaster BMW; Automaster Honda; Automaster Mercedes-Benz, Mini of Birmingham; L&S Motors of Beckley, Inc., doing business as L&S Toyota of Beckley; Toyota of Ann Arbor; and Rochester Hills Chrysler Jeep Dodge Ram.<sup>4</sup> New Class Representatives are asserting damages and injunctive relief claims under federal law as well as based upon where they reside or purchased DMS and/or DIS, specifically in Arizona, California, Florida, Hawaii, Michigan, Nebraska, Oregon, Vermont, and West Virginia.

6. Dealers, as specified in ¶¶ 4-5, seek injunctive relief and recovery for themselves and

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<sup>4</sup> A list of new proposed Class Representatives on behalf of Dealers, their corresponding states, and a description of each is attached to the accompanying Wedgworth Declaration as Exhibit A.

all members of the Dealer Classes who paid artificially inflated prices for DMS and/or DIS and/or experienced DMS decreased functionality as a result of Defendants' anticompetitive conduct.

7. As set forth in the accompanying Memorandum of Law in Support of the Motion for Class Certification, Plaintiffs have satisfied the requirements of Fed. R. Civ. P. 23.

8. In support of this Motion, Plaintiffs incorporate the accompanying Memorandum of Law, Declaration of Peggy J. Wedgworth, November 21, 2023 Expert Class Certification Report of Dr. Michael Williams, and any exhibits and appendices filed concurrently herewith.

**WHEREFORE**, Plaintiffs respectfully request that the Court enter an Order: (i) certifying the Classes; (ii) appointing Named Plaintiffs and New Class Representatives as representatives of the Classes; and (iii) appointing Peggy J. Wedgworth and Milberg Coleman Bryson Phillips Grossman, PLLC as Dealership Lead Class Counsel, and Leonard A. Bellavia and Bellavia Blatt, PC, Daniel Hedlund and Michelle Looby and Gustafson Gluek, PLLC, and James Barz and Frank Richter and Robbins Geller Rudman & Dowd LLP as the Dealership Class Plaintiffs' Steering Committee, and Robert A. Clifford and Clifford Law Offices as Liaison Counsel.

Dated: November 21, 2023

Respectfully submitted,

/s/ Peggy J. Wedgworth

Peggy J. Wedgworth

Elizabeth McKenna

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*Interim Lead Class Counsel for Dealership Class  
Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Peggy J. Wedgworth, an attorney, hereby certify that on November 21, 2023, I caused a true and correct copy of the foregoing **DEALERSHIP CLASS PLAINTIFFS' MOTION FOR CLASS CERTIFICATION** to be filed and served electronically via the Court's CM/ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Peggy J. Wedgworth  
Peggy J. Wedgworth